

REMARKS

The present amendment is submitted in response to the Office Action mailed September 15, 2008. Claims 1-13 remain in this application. Claims 6, 12 and 13 have been amended. Claim 12 has been amended to correct a typographical error. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

ALLOWED CLAIMS

Applicants wish to thank the Examiner for indicating that Claims 1 – 13 are deemed allowable over the prior art of record, pending resolution of any rejections noted in the instant office action, because the prior art does not specifically disclose the claimed method for deriving a reconstruction result.

35 U.S.C. §101

Claims 6 and 13 stand rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter.

As per claim 6, the rejection is understood to be based on the premise that the claim does not meet the criteria for a statutory process because the term “computer program product” could be reasonably interpreted, as per the description on page 12 of the specification, to include wireless telecommunications systems that encodes a data signal, which is a form of energy. Applicants have adopted the Examiner’s helpful

suggestion to amend claim 6 to be drawn to a “computer readable storage medium,” which is a physical article.

As per claim 13, the rejection is understood to be based on the premise that the claim does not does not claim a practical application using language claiming a machine-readable medium having software for reconstructing a surface of an object. Applicants have amended claim 13 to recite that the computer executable instructions stored on the one or more computer-readable media are executed by one or more processors of a system for reconstructing the surface of an object. It is respectfully submitted, and acknowledged by the Office in the instant Office Action, that such a system is directed to statutory subject matter under 35 U.S.C. § 101 by virtue of the allowance of at least claims 7-10.

Based on the above amendments and remarks, Applicants respectfully submit that claims 6 and 13 are directed to statutory subject matter and requests reconsideration and removal of the rejections under 35 U.S.C. § 101.

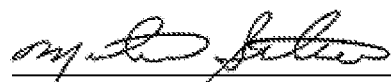
Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-13 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mr. Frank

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Respectfully submitted,



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